

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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**UNITED STATES OF AMERICA,**

Plaintiff,

vs.

**RIKKY GUTIERREZ,**

Defendant.

Case No.: 2:15-CR-0068-LDG-VCF

ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:


1. The defense is attempting to subpoena an eyewitness to testify as to the identification procedures and is awaiting approval from the Court.
2. Government counsel is unavailable for the current hearing date and time.
3. All parties agree to the continuance.
4. The defendant is detained and agrees to the continuance.
5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).
6. This is the first request to continue the evidentiary hearing.

1 For all of the above-stated reasons, the end of justice would best be served by a  
2 continuance of the evidentiary hearing.

3 ORDER

4 IT IS ORDERED that the evidentiary hearing currently scheduled for September 28,  
5 2015, at 10:00 p.m. be vacated and continued to October 26, 2015, at the hour of  
6 10:00 a.m.

7 DATED this 23 day of September 2015.

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11 UNITED STATES DISTRICT COURT JUDGE  
LLOYD D. GEORGE  
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